

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TINA M. GOLEMAN,

Plaintiff,

v.

**NANCY A. BERRYHILL, Acting
Commissioner of Social Security,**

Defendant.

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Case No. CIV-18-712-G

ORDER

On April 3, 2019, the Court entered an Opinion and Order and a Judgment reversing the decision of the Acting Commissioner and remanding this case for further proceedings. *See* Doc. Nos. 17, 18. Plaintiff Tina M. Goleman now requests an award of attorney’s fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. *See* Mot. Att’y Fees (Doc. No. 20). The parties have stipulated to an award of \$3750 in EAJA fees in this matter. *See id.*

Having considered the parties’ stipulated motion and the relevant record, the Court finds that: “(1) [P]laintiff is a ‘prevailing party’; (2) the position of the United States was not ‘substantially justified’; and (3) there are no special circumstances that make an award of fees unjust” in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). The Court therefore GRANTS the parties’ Stipulated Motion (Doc. No. 20) and awards fees in the amount of \$3750, with said amount to be paid directly to Plaintiff and sent in care of Timothy M. White, 7906 East 55th Street, Tulsa, Oklahoma, 74145. If attorney’s fees are also awarded under 42 U.S.C. § 406(b), Plaintiff’s

counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986). It is further ordered that Plaintiff's Motion for Attorney Fees (Doc. No. 19) is DENIED as moot.

IT IS SO ORDERED this 23rd day of May, 2019.



CHARLES B. GOODWIN
United States District Judge